

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorney for Nationstar Mortgage LLC

In Re:

Tonya D. Butler,

Debtor.

Case No.: 19-21668-MBK

Chapter: 13

Judge: Michael B. Kaplan

SECURED CREDITOR'S CERTIFICATION OF DEFAULT
(Re: 210 Park Avenue, Somerdale, NJ 08083)

Chastity Wilson certifies as follows:

1. I am a Assistant Secretary for Nationstar Mortgage LLC, a secured creditor of the Debtors.
2. On February 23, 2022, an *Order Resolving Motion to Vacate Automatic Stay* [DE 34] was entered, a copy of which is attached as **Exhibit A**, providing for the cure of post petition arrearages, and in default of such monthly payments for a 30 day period, allowing the secured creditor ex parte relief to vacate the stay, with notice to the trustee, debtor and his attorney, if any.
3. Debtor has failed to comply with the Order By missing payments and/or by failing to make the correct payments as summarized below.

4. Certification of Creditor Regarding Post Petition Payment History:

Number of Missed Payment	From	To	Monthly Payment Amount	Total Missed Payments
9	01/01/2023	09/01/2023	\$763.90	\$6,875.10
Suspense:				(\$280.98)

Total Due: \$6,594.12

5. This Certification of Default is being made in an effort to enforce the prior Order of this Court and to vacate the stay.
6. The Debtor must cure the default by tendering **\$6,594.12** within fourteen days of the date of this Certification of Default. If the Debtor fails to cure the default or file a counter-affidavit, Secured Creditor will submit to the Court an order vacating stay.
7. I certify under penalty of perjury that the above is true.

Date: September 20, 2023



Signature Chasity Wilson
Assistant Secretary of
Nationstar Mortgage LLC
Affiant

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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Schiller, Knapp, Lefkowitz & Hertz, LLP

716 Newman Springs Road Suite 372

Lincroft, NJ 07738

(551) 280-9780

Richard A. Gerbino, Esq. (ID # 057351993)

Attorneys for Community Loan Servicing, LLC f/k/a

Bayview Loan Servicing, LLC



Order Filed on February 23, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

TONYA D. BUTLER,

Debtor.

Case No.: 19-21668-MBK

Judge: Hon. Michael B. Kaplan

Hearing Date(s): _____

Chapter: 13

Recommended Local Form

☐ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: February 23, 2022

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".
Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: Community Loan Servicing, LLC f/k/a Bayview Loan Servicing, LLC
Applicant's Counsel: Schiller, Knapp, Lefkowitz & Hertz, LLP
Debtor's Counsel: Kevin C. Fayette, Esq.
Property Involved ("Collateral"): 629 Woodland Street, Trenton, NJ 08610
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 6 months, from September 1, 2021 to February 1, 2022.

☒ The Debtor is overdue for 4 payments at \$658.18 per month and 2 payments in the amount of \$763.90.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☐ Applicant acknowledges receipt of funds in the amount of \$ 988.36 received after the motion was filed.

Total Arrearages Due \$3,842.86.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$1,500.00. Payment shall be made no later than _____.

☒ Beginning on March 1, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$763.90.

☒ Beginning on February 15, 2022, additional monthly cure payments shall be made in the amount of \$390.48 for 6 months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

X Immediate payment: Community Loan Servicing, LLC
4425 Ponce De Leon Blvd., 5th Floor
Coral Gables, FL 33146

X Regular monthly payment: Community Loan Servicing, LLC
4425 Ponce De Leon Blvd., 5th Floor
Coral Gables, FL 33146

X Monthly cure payment: Community Loan Servicing, LLC
4425 Ponce De Leon Blvd., 5th Floor
Coral Gables, FL 33146

4. In the event of Default:

X If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

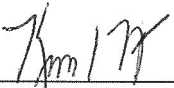
X The Applicant is awarded attorney's fees of \$350.00, and costs of \$188.00.

The fees and costs are payable:

X through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.



Kevin c. Fayette, Esq.
Attorney for Debtor

/s/ Richard Gerbino, Esq.

Richard Gerbino, Esq.
Attorney for Community Loan Servicing, LLC

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FAX (954) 343-6982
bankruptcy@gmlaw.com

In Re:

Tonya D. Butler

Case No.: 19-21668-MBK

Chapter: 13

Adv. No.: _____

Hearing Date: _____

Judge: Michael B. Kaplan

CERTIFICATION OF SERVICE

1. I, Michelle Torres :

☐ represent _____ in this matter.

☒ am the secretary/paralegal for Greenspoon Marder LLP, who represents
Nationstar Mortgage LLC in this matter.

☐ am the _____ in this case and am representing myself.

2. On September 22, 2023, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

Certification of Default

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: September 22, 2023

/s/ Michelle Torres
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Tonya D. Butler 629 Woodland Street Trenton, NJ 08610	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Kevin C. Fayette Law Offices of Kevin Fayette, LLC 1675 Whitehorse Mercerville Road Suite 204 Hamilton, NJ 08619	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>CM/ECF</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>CM/ECF</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>CM/ECF</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)